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County Seeks To Enter Mineral King Litigation

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Tulare County has petitioned to become a party on the side of the government in the Mineral King Valley litigation, County Counsel Calvin Baldwin revealed today.

A hearing on the petition could be held as early as Oct. 13 by Judge William T. Sweigert in federal district court in San Francisco.

Baldwin said he anticipates the court will allow the petition, and the county will then press for an early trial date.

He noted that delays work to the advantage of the Sierra Club, which so far has held up development of Mineral King Valley for three years. "They've got us whipped until we can win," he said.

The conservationist organization filed suit after the U.S. Forest Service, which controls Mineral King Valley, issued a permit for development to Walt Disney Productions.

The club raised questions regarding the government's right to issue such a permit, but the "merits" of the case were largely ignored after federal attorneys challenged the "standing" of the Sierra Club to file suit.

(The club originally filed a general indictment of the permits and proposed development without citing specifically how the organization or its members would be injured.

(There was widespread speculation that the Sierra Club was using Mineral King in an effort to set a new precedent which would serve it in other cases involving possible environmental damage.)

The issue of standing went to the U.S. Supreme Court which on April 19 upheld the government's position on a split vote.

SUIT AMENDED

The Sierra Club returned to district court where Judge Sweigert permitted its attorneys to amend the petition to show specific injury (which presumably gives the club standing to sue) and now, Baldwin says, the matter is headed for trial on the merits.

"The best way for the county to protect itself during the trial stage — which is damned important — is to intervene," the county counsel said.

Baldwin said the county's position in the Mineral King matter meets the established criteria for intervention: (1) that the county has an "interest" in Mineral King (2) that the county would be affected by the litigation in question and (3) that none of the parties presently involved in the suit represent the interests of the county.

BRIEF FILED

The brief filed with the petition described Tulare County as an "economically depressed area with high unemployment and a tax base too small to meet its growing requirements for public services."

An affidavit submitted by Raymond Muller, chairman of the Tulare County Board of Supervisors, asserted that the development would produce $1.5 million annually in property taxes, and that one-fourth the annual permit fees paid by the developer would be returned to local government to finance roads and education.

He also asserted that if the Mineral King development is completed, the county can expect more than $20 million in "secondary capital improvements."